

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4989 OF 2014

1) Bhagwan Ganpat Devde,
Age-50 years, Occu:Govt. Service,

2) Chhayabai Bhagwan Devde,
Age-45 years, Occu:Housewife,

Both R/o-Wadi, Dist-Gulbarga,
(Karnataka State).

...APPLICANTS

VERSUS

1) The State of Maharashtra,
Through City Police Station,
Parli Vaijanath, Dist-Beed,

2) Mrs. Vidya Arun Ahire,
Age-40 years, Occu:Housewife,
R/o-Ashok Nagar, House No.561,
Parli, Dist-Beed.

...RESPONDENTS

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Mr.Almas Abdul Quader Advocate for Applicants.

Mr.A.V. Deshmukh, A.P.P. for Respondent No.1.

Mr.S.W. Munde Advocate for Respondent No.2.

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**CORAM: S.S. SHINDE AND
A.I.S. CHEEMA, JJ.**

DATE : 9TH JULY, 2015

ORDER :

1. Heard the learned counsel appearing for the Applicants, learned A.P.P. for State and learned counsel for Respondent No.2.

2. We have carefully perused the allegations in the F.I.R. and further statements recorded during the course of investigation. The Applicants are named in the F.I.R. and also in the statements of witnesses recorded by the Investigating Officer. Overt-act is also attributed to them.

3. Learned counsel appearing for the Applicants submits that Applicant No.1 is serving as employee of the Central Government and on the alleged date of incident he was on duty. He invited our attention to the Extract Muster copy of Wadi Watchmen Working under SSE/P.WAY/SEM. Section, which is part of compilation at Page No.11 of the Application, in support of his

contention that on the date of alleged incident, Applicant No.1 was on duty.

4. We have carefully perused the said document. On said document, there is a stamp of the concerned office, and below the signature and stamp, date is mentioned "12/6/14". When the said document was issued on 12th June 2014, it is not understandable that how the presence of the Applicant No.1 on 27th June 2014 i.e. date of incident, can be marked.

5. In that view of the matter, Application sans merit, hence rejected.

[A.I.S.CHEEMA, J.]

asb/JUL15

[S.S.SHINDE, J.]